

Appl. No. 10/648,429
Amdt. Dated November 29, 2005
Reply to Office Action of June 29, 2005

Attorney Docket No. 81872.0050
Customer No.: 26021

REMARKS/ARGUMENTS

Claims 5-7, 11-14, and 16-20 are withdrawn. Claims 1-4 and 8-10 are amended. New claims 21-31 are added. Support for new claim 21 can be found at p. 14, line 24-p. 15, line 2 of the Applicant's specification. Support for new claim 25 can be found at p. 12, line 23-p. 13, line 9 of the Applicant's specification. Claims 1-31 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

ALLOWED CLAIMS

Claims 8-10 and 15 are allowed in Office Action. Applicant thanks the Office for recognizing the allowed claims.

CLAIM REJECTION UNDER 35 U.S.C. § 102(b)

Claims 1, 3, and 4 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Moslehi (U.S. Patent No. 6,132,805). The Applicant respectfully traverses this rejection.

The Office states, "Figure 5 of Moslehi depicts an apertured shutter wherein the ratio of open space is lowest around the periphery."

The Applicant respectfully disagrees. This is because the shutter in Fig. 5 of Moslehi opens and closes the shutter-assembly by rotating the alternating plate 116 by the collimator 110. When the shutter is opened, it is in shape of Fig. 2 an outer portion of the shutter forms a region covered by the alternating plate 116 which does not pass the process gas (deposition material). Only the inside process gas goes through the shutter through a hole not covered by the alternating plate 116.

In Moslehi, in the region through which the process gas passes, which corresponds to the plate of the invention, there exists a number of opening portions

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112, wherein a number of openings 112 are distributed uniformly from the central portion to the peripheral portion (Fig. 5 of Moslehi).

Therefore, Moslehi's shutter cannot anticipate or render obvious claims 1, 3, and 4.

In addition, Moslehi at column 8, line 27 states, "Moreover, there extended applications may include other thin-film fabrication processes such as plasma etching."

However, Moslehi fails to disclose a detailed configuration for application of his invention, such as chamber, substrate on RF power in relation to the shutter of his disclosure.

Furthermore, the purpose of the openings formed in the shutter of Moslehi (Fig. 5) is to limit the angles of incidence α of the direction through the process gas impinges on the substrate (Moslehi, column 7, lines 27-33).

From the above recitation, those skilled in the art cannot define the plate having a number of openings as claimed in claim 1, 3, and 4 for the purpose of confining the compounds formed by the etching process in the space between the plate and the substrate.

In light of the foregoing, Applicant respectfully submits that Moslehi cannot anticipate or render obvious claims 1, 3, and 4, because Moslehi fails to teach or suggest each and every limitation. Withdrawal of this rejection is thus respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. § 103(a)

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Moslehi (U.S. Patent No. 6,132,805). Claim 2 depends from claim 1 and is therefore, patentable over Moslehi for at least the same reasons discussed above.

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In addition, Moslehi fails to teach or suggest the distance between the plate and the substrate as taught by claim 2. The Office argues that it would have been obvious to optimize the distance between the plate and substrate. Applicant respectfully disagrees with the above assertion. Moslehi discloses disposing the shutter close to the substrate to imprint the pattern of openings onto the substrate. (*See, Moslehi; Col. 7, lines 57-63*). In contrast, present invention discloses the plate is disposed far enough from the substrate so as to not imprint the pattern of openings onto the substrate. (*See, Specification; Page 15, lines 5-8*). There is no teaching or suggestion at all to maintain plate at a distance far enough so that the openings do not imprint the structure let alone at 5 to 30 mm as required by amended independent claim 1. In contrast, as discussed above, Moslehi teaches away from the above feature.

In light of the foregoing, Moslehi cannot render claim 2 obvious because Moslehi fails to teach or suggest each and every limitation. Withdrawal of this rejection is thus respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

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If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

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Date: November 29, 2005

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